

MINUTES OF REGULAR MEETING October 2, 2013

1. CALL TO ORDER

Mayor McBride called the meeting to order at 7:00 p.m.

- 2. "Sunshine Law" Announcement-**Adequate notice of this public meeting has been provided by the Annual Notice; posted on Union Township website, published in the Hunterdon County Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE

4. ROLL CALL

	Present	Absent
Mr. Severino	X	
Mr. Mazza	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff		X

Mr. Bischoff arrived at 7:20 pm

Also present: J.P. Jost, Attorney; Tom Decker, P.E. and Ella M. Ruta, Twp. Clerk

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of September 18, 2013.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff						X

Motion carried

6. VISITORS

7. REPORTS RECEIVED

- a. Dept. of Roads & Facilities- Week Ending 9/13/13; 9/20/13; 9/27/13.
Mayor thanked the DR&F for doing work as requested on Patrick Drive. Mr. Mazza reported that the DR&F has repaired eight inlets in the Highland Ridge Development.
- b. Zoning Officer – September 2013
- c. Finance – Budget Trial Balance as of 10/15/13
- d. Engineer's Report
- Race St. The bridge is completed and open but there is road damage from the construction on either side of the bridge. Discussed the repair of the road.
- Discussion of the bid results received so far for the demolition of the old municipal building and garage. A funding ordinance needs to be put in place for the demolition plus additional removal and the

decommissioning responsibility for the Township. Mayor reviewed cost of repairing the garage building for storage use.

8. CORRESPONDENCE / WRITTEN COMMUNICATIONS

Mr. Hirt reported the following correspondence: None

Mr. Severino reported the following correspondence: None

Mr. Bischoff reported the following correspondence:

- NJ LM - On Sept. 5th the IRS issued a proposed rule outlining the types of information employers will have to provide annually to the IRS. Is someone on top of this? Yes, the CFO is involved.
- Superior Court of NJ, Re: 2013-2014 Annual Visitation of the Union Twp. Municipal Court. I will advise CFO of TOPA account that needs to be setup.
- NJDEP Re: Stobb Farm Pond Dam

Mr. Mazza reported the following correspondence:

- What is the procedure for future inspections of the dam since the property sold after the most recent inspection? The Attorney responded the inspection is in the deed and passes to the current owners.

Ms. McBride reported the following correspondence: None

9. PUBLIC COMMENTS - None

10. PUBLIC HEARING

11. OLD BUSINESS

12. NEW ORDINANCE – 1ST Reading

NOTICE OF INTRODUCTION OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 2nd day of October, 2013, at 7:00 pm. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on November 6th, 2013 at 7:00 pm or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Jutland, N.J. at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE #2013-8

AN ORDINANCE APPROPRIATING THE SUM OF \$25,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, FOR THE DEMOLITION OF BUILDINGS ON THE PROPERTY KNOWN AS BLOCK 21 LOT 19 – 231 MAIN STREET, JUTLAND – OLD TOWN HALL

WHEREAS, there is currently within the 2013 Capital Fund of the Township of Union, County of Hunterdon, State of New Jersey, an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$25,000.00; and

WHEREAS, the Township Committee of the Township of Union has deemed there is a need for the demolition of buildings at Block 21 Lot 19, Old Town Hall;

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that:

SECTION 1. There is hereby appropriated from the Capital Improvement Fund of the 2013 General Capital Fund for the demolition of buildings at Old Town Hall, Block 21 Lot 19, the amount of \$25,000.00;

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of the Ordinance be and the same are hereby repealed to the extent of their inconsistency;

SECTION 3. There is no debt incurred by this ordinance.

SECTION 4. This Ordinance shall take effect after proper passage and publication in accordance with law.

BY: _____
Michele McBride, Mayor

First Reading: October 2, 2013
Publication/in Full October 10, 2013
Second Reading: November 6, 2013
Publication/Title Only: November 14, 2013

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

13. NEW BUSINESS

a. Following resolution introduced for adoption:

RESOLUTION #2013-106

UNION TOWNSHIP, HUNTERDON COUNTY ESTABLISHING AND DECLARING A JUVENILE CURFEW IN THE TOWNSHIP OF UNION

WHEREAS, P.L. 1992, Chapter 132 (N.J.S.A. 40:48-2.52 et seq.) authorizes and empowers a municipality to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian, or unless engaged in, or traveling from, a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

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WHEREAS, the Township Committee of the Township of Union on October 6, 1993, adopted on final reading "An Ordinance to Provide for the Establishment of a Curfew for Juveniles in the Township of Union and Providing Penalties for the Violation thereof"; and

WHEREAS, said Ordinance provides that whenever the Governing Body shall determine the need for a curfew for juveniles, the Governing Body may by resolution declare a curfew in the municipality for a period of not more than 90 days and for such hours and under such conditions as may be prescribed by the Township Committee, provided that such curfew shall commence not earlier than 10:00 p.m. and shall end not later than 6:00 a.m. during each of the curfew dates established;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union as follows:

1. Establishment of Juvenile Curfew. A juvenile curfew is hereby established and declared in the Township of Union commencing at 10:00 p.m. and ending at 6:00 a.m. of the following day, during each of the following curfew dates:

Wednesday, October 30, 2013

Thursday, October 31, 2013; Trick or Treat Hours 12:00 p.m. to 9:00 p.m.

2. Condition of Curfew. During the curfew established herein, it shall be unlawful for any juvenile under the age of 18 years to be on any public street, or in a public place, either on foot or in a vehicle, within the Township of Union during the above designated times.
3. Exception to Curfew. The above-established curfew shall not apply to a juvenile:
 - a) When the juvenile is engaged in an errand involving a medical emergency;
 - b) When the juvenile is in attendance at an extra-curricular school activity, or an activity sponsored by a religious or community-based organization, or other cultural, educational, or social events;
 - c) When work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours.
 - d) When the juvenile is an attendant as a bona fide student at an evening school of institution.
 - e) When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile.
 - f) When the juvenile is on an emergency errand or legitimate business directed by the juvenile's parent/guardian.
4. Responsibility of Parent or Guardian. During the curfew herein established, it shall be unlawful for any parent or guardian of a juvenile to allow an unaccompanied juvenile to be on a public street or in any public place in violation of the above-referenced Ordinance and the curfew established hereunder.
5. Posting, Publication and Distribution of Curfew Notice. Copies of this Resolution shall be posted in such public or quasi-public places as may be designated by the Township Committee and may be published in such newspapers as the Township Committee shall designate. Copies shall also be supplied to area schools with a request that they make students aware of the curfew. Failure to post, publish or distribute this Resolution shall not relieve any person from the obligation of complying with the terms of the curfew imposed hereunder.
6. Notification to Law Enforcement Agencies. Certified copies of this Resolution and the above-referenced Ordinance shall be sent by the Municipal Clerk to law enforcement agencies, including the Municipal Police Department, if any, and the New Jersey State Police.

Date: October 2, 2013

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Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			

Motion carried

b. Following resolution introduced for adoption:

RESOLUTION #2013- 107

WHEREAS, the Township of Union advertised, and subsequently received bids, for the Stream Embankment Stabilization Project for Sidney Brook at Race Street, on September 26, 2013 , as shown on the attached bid summary and;

WHEREAS, eleven (11) bids were received for the Contract items as follows:

<u>Contractor</u>	<u>Bid Amount</u>
CMS Construction Inc., Newark, NJ	\$ 55,600.00
KDP Developers Inc., Stewartsville, NJ	\$ 60,335.00
Adamsville Maintenance Inc., Hillsborough, NJ	\$ 64,550.00
Earthworks, Inc., Farmingdale, NJ	\$ 91,900.00
T.R. Weniger, Inc., Piscataway, NJ	\$ 92,580.00
Colonnelli Bros., Hackensack, NJ	\$ 96,500.00
Brian Plushanski Construction, Hampton, NJ	\$102,200.00
Kalogridis Contracting LLC, North Brunswick, NJ	\$108,000.00
Land-Tech Enterprises, Inc., Warrington, PA	\$127,400.00
Downes Tree Service, Inc., Hawthorne, NJ	\$118,625.00
Joseph Jingoli & Son, Inc., Lawrenceville, NJ	\$273,650.00

WHEREAS, the Township Engineer has reviewed the bids submitted and determined that CMS Construction Inc. Newark New Jersey has submitted the lowest responsive bid for contract work in the amount of \$55,600.00 and;

WHEREAS, the Township of Union has appropriated Funding for the project.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Union that the bid for the Stream Embankment Stabilization Project for Sidney Brook at Race Street be awarded to CMS Construction Inc, Newark, New Jersey for their bid in the amount of \$55,600.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., and Township Engineer.

Michele McBride, Mayor

ATTEST:

Ella Ruta, Clerk
R-5825- 130926

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

ITEM ADDED TO THE AGENDA AT THE MEETING

NEW ORDINANCE – 1st reading

ORDINANCE #2013 - 9

**An Ordinance Establishing That A Business Entity Which Makes Political Contributions To Municipal Candidates And Municipal And County Political Parties In Excess Of Certain Thresholds Shall Be Limited In Its Ability To Receive Public Contracts From The Township of Union in The County of Hunterdon, State of New Jersey
(Contractor Pay-to-Play Reform Ordinance)**

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

WHEREAS, in the interest of good government, the people and the government of the Township of Union desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

WHEREAS, the Township Committee is resolved that it shall be the policy of the Township of Union to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Township of Union; and,

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, and State of New Jersey, as follows:

DEFINITIONS

As used in this ordinance:

- (a) “Campaign Committee” means (i) every candidate for Township of Union elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Township of Union elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Township of Union elective municipal office; (iv) every political party committee of the Township of Union ; (v) every political party committee of the Hunterdon County; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Township of Union municipal or Hunterdon County elective offices or

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Township of Union or Hunterdon County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

- (b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.
- (d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

- (a) To the extent that it is not inconsistent with state or federal law, the Township of Union and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Township of Union or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Township of Union or Hunterdon County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Township of Union municipal or Hunterdon County elections and/or Township of Union municipal or Hunterdon County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Township of Union or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Township of Union, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Township of Union or Hunterdon County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

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- (c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Township of Union ; (ii) \$500 maximum per calendar year to a Hunterdon County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Township of Union candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Township of Union or Hunterdon County political committees and political party committees as described herein combined, without violating subsection (a) of this section.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Township of Union Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Township of Union, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

SECTION 3 - CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

- (a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Township of Union or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Township of Union , its purchasing agents and departments shall be responsible for informing the Township Committee that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (b) A Business Entity shall have a continuing duty to report to the Township of Union any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Township of Union, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Township Committee meeting following receipt of said report from the Business Entity, or whichever comes first.
- (c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township of Union, or prior to the provision of services or goods, as the case may be, and shall be in

addition to any other certifications that may be required by any other provision of law.

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

SECTION 6 - EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

SECTION 7 - PENALTY

- (a) It shall be a material breach of the terms of a Township of Union agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Township of Union, or a holder of public office having ultimate responsibility for the award of a contract, or any Township of Union or Hunterdon County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Township of Union contracts for a period of four (4) calendar years from the date of the violation.
- (c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Township of Union.

SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Township of Union has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

SECTION 9 - SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such

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provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 10 – INDEXING

The monetary thresholds of “Definitions” Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York-Northern New Jersey-Long Island region, rounded to the nearest \$10.00. The Clerk of the Township of Union may, each calendar year, prepare and publish the revised thresholds on the official municipal website and/or in an official municipal newspaper.

SECTION 11 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall take effect after proper passage and publication in accordance with law.

BY: _____

Michele A. McBride, Mayor

ATTEST:

Ella M. Ruta, Municipal Clerk

First Reading:	October 2, 2013
Publication/in Full:	October 10, 2013
Second Reading:	November 6, 2013
Publication/Title Only:	November 14, 2013

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff		X	X			

Motion carried

RETURN TO AGENDA ORDER

c. **Discussion & Approval:** Best Practices Inventory

Motion: To create a Finance Sub-Committee who meet monthly and review significant financial issues. The Sub-Committee will be the CFO, the Mayor and other appropriate personnel as required.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

Prospective, the CFO will discuss #17 that is procurement cards.

Motion: Motion to approve the Best Practices as provided to the Committee.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

d. **Motion to Approve:** Request for putting barricades in the Brass Castle neighborhood on Halloween

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

e. **Letter of Resignation** – Traci Fleming, Animal Control Officer. Acknowledged.

f. **Discussion** – Contract Proposals for an Animal Control Officer.

Motion: To appoint Laura Roerig as Animal Control Officer, per contract at an annual rate of \$8,000.00

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			

Motion carried subject to Attorney review of the contract

14. REPORTS

a. Attorney's Report

- Since we are taking down the old municipal building where the Cub Scouts have been storing camping equipment, the Mayor asked me to draw an agreement because they need a place to put their things quickly. I took the old agreement and tweaked it a little bit for temporary permission. The Scouts should be providing us an insurance certificate to hold harmless and paragraph 8 indicates that our DR&F would remove some of the weeds, vines and small trees that are currently encroaching on the building. Once this is done, the pack will provide a little routine maintenance around garage building #6 at Hoffman Park to keep the weeds down. The Mayor will get quotes on repairing the hardware on the garage doors. Need to change locks. It is storage room risk and we can terminate the agreement at any time.

Motion: To approve temporary equipment storage to the Union Township Cub Scouts at the Hoffman Park garage building #6

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			

Motion carried with insurance certificate naming Union Township as additional insured

- Mr. Bischoff and I met to review some items in the Employee Personnel Manual and we continue to work on it.
- GovDeals.com is on State contract for auctioning some equipment and vehicles. Need to do paperwork for signing up. Mayor suggested that we wait until spring to do the auction.
- Executive Session, negotiations and potential litigation.

b. Committee Report

Mr. Hirt reported the following:

- We have not received responses from the local contractors for the outside water problem. DR&F Foreman will check outside drains to ensure they are clog free. Received one bid for inside work.

Mr. Hirt left the meeting at 8:34 p.m.

Mr. Severino reported the following:

- Item for Zoning Officer. Vacant Wachovia Bank property.

Mr. Bischoff reported the following:

- Quote “ Dearly beloved, let us with unconquerable resolution maintain and defend that liberty wherewith God hath made us free. As the total subjection of a people arises generally from gradual encroachments, it will be our indispensable duty manfully to oppose every invasion of our rights.” 1768 Silas Downer, Sons of Liberty of Rhode Island.
- I called Leonard Lance’s office today and they are on furlough. I wanted to know the status on legislation that has been introduced. If this legislation passes it increases the cost of our borrowing and the exemption on Municipal Bonds goes away. We need a sample resolution that the Attorney will obtain.
- Need to setup a Sub-Committee COAH meeting and I will do that.
- Executive Session, negotiation.
- Talked with Rebecca White of the State Museum and they will arrange for someone to come to the Municipal Building and take the artifacts and away.

Mr. Mazza reported the following:

- Matter for Executive Session
- Amy Barkman contacted me, they need to borrow a brush hog and operator.
- Golf Outing on Oct. 10th, still looking for sponsors and people to play.
- Tri-centennial commemorative lithograph framing will be complete by the next meeting.
- Hunterdon Mills will move the shed at Finn Rd Park.

c. Mayor's Report

- September 19th I met with personnel from Stothoff Well Drilling to look at decommissioning two wells at the old Municipal Building for a quote. Later, I took auction photos for GovDeals.com of surplus at the municipal garage.
- September 20th I met with County Engineer at the Race St. Bridge project for an update.
- September 25th I conducted a wedding at the Municipal Building with help from the Clerk, congratulations to Jessica and Nestor.
- September 26th met with the Fallones. Along with Mr. Bischoff, Clerico, and Jost regarding the Renaissance project.
- September 27th I met with D&L Well Pump at the old Municipal Building to get a quote from them.
- September 30th I met with the Attorney and Mr. Bischoff on the Employee Personnel Manuals as discussed.
- We have issues for Executive Session regarding potential litigation and personnel.
- I received a letter from Amy Masters, School Board President, s today stating that Amy Barkman could no longer be able to act as our QPA and the reason was unreferenced legislation. Forwarded this information to Grace Brennan who responded she is willing to receive this certification and do the QPA work after review course.
- I wrote letters to Alan Dilley for help with recycling certification and Bill Lee thanking him for the fireproof cabinets from Foster Wheeler.
- I received information from the Zoning Officer for the need for a bus stop warning sign on the intersection of Panorama Drive and Ruppell Road. The Attorney will retrieve former memo concerning the issue.

d. Clerk's Report

15. PUBLIC COMMENTS

Tom Cannan, OEM. He discussed with the Committee the annual updating of records for the Office of Emergency Management. Mr. Cannan requested the Clerk to distribute the forms to our employees for the Cipro program.

16. PAYMENTS OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mr. Hirt						X
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

17. EXECUTIVE SESSION

The following Resolution introduced for adoption:

RESOLUTION #2013 - 108
Providing for a Meeting Not Open to the Public in Accordance with the

MINUTES OF REGULAR MEETING October 2, 2013

Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Required by Law to be Confidential*: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. _____ *Matters Where the Release of Information Would Impair the Right to Receive Funds*: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. _____ *Matters Involving Individual Privacy*: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. _____ *Matters Relating to Collective Bargaining Agreements*: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. _____ *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. _____ *Matters Relating to Public Safety and Property*: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
7. X *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
8. X *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the

MINUTES OF REGULAR MEETING October 2, 2013

performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. _____ *Matters Relating to the Potential Imposition of a Penalty:* Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on October 2, 2013 at 8:58 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mr. Hirt						X
Ms. McBride			X			
Mr. Bischoff		X	X			

Motion carried

Motion to come out of Executive Session at 9:27 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

18. ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn the meeting at 9:27 p.m. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Prepared by: Patricia Essig, Deputy Clerk

Michele McBride, Mayor